

**CIVIL DIARY DATED : 21-11-2024**

<b><u>S.No.</u></b>	<b><u>Case No.</u></b>	<b><u>Proceedings</u></b>
1.	I.A.No. 1038/2024 ASSR 2250/2024 ASSR 1248/2024	<p>This petition is filed by Plaintiff in O.S.No.119 of 2016 on the file of I Additional Civil Judge (Junior Division), Eluru wherein the suit filed by plaintiff for permanent injunction was dismissed vide the decree and judgment dt.27.12.2023.</p> <p>The Plaintiff filed the above appeal challenging the impugned judgment. While preferring the appeal, there occurred a delay of 76 days.</p> <p>The reason assigned is the record was mixed with other records, as such, the Petitioner could not prefer the appeal within time through certified copy of judgment is received.</p> <p>Notice ordered to Respondent. Respondent appeared through counsel, but did not file counter.</p> <p>On hearing from Petitioner and since there is no counter and there is no representation from Respondent, the matter is taken up on merits.</p> <p>Before the Trial Court, the Respondent has got the relief. The Plaintiff is challenging the decree. While preferring the appeal, there occurred a delay. But the fact remains that the certified copy of judgment was obtained in time. Preferring the appeal is a statutory right. Condonation of delay is a procedural aspect subject to satisfaction of sufficient case. Appeal is to be preferred by counsel representing the parties. It is reported that record is mixed with other records is considered as a reasonable cause. Further, there is no opposition from the Respondent. Hence, I am inclined to consider the present petition.</p> <p>In the result, petition is allowed condoning the delay of 76 days in preferring the appeal against the impugned decree and judgment dt.27.12.2023 in O.S.No.119 of 2016 on the file of I Additional Civil Judge (Junior Division), Eluru</p>

		<p>subject to payment of costs of Rs.200/- on or before 29.11.2024.</p> <p>For complying conditions, call on 29.11.2024.</p>
2.	ASSR 2248/2024	<p>This petition is filed by Defendant No.1 in O.S.No.361 of 2016 on the file of I Additional Civil Judge (Junior Division), Eluru wherein the suit filed by Sayyapureddy Suryanarayana, the Respondent herein as Plaintiff for declaration of title was decreed in part declaring the Respondent as absolute owner and deliver the vacant possession and dismissing the relief of recovery of arrears of rent vide the decree and judgment dt.27.12.2023.</p> <p>The Defendant Nos.1 and 2 preferred the above appeal challenging the impugned judgment. While preferring the appeal, there occurred a delay of 76 days.</p> <p>The reason assigned is the record was mixed with other records, as such, the Petitioners could not prefer the appeal within time through certified copy of judgment is received.</p> <p>Notice ordered to Respondent. Respondent appeared through counsel, but did not file counter.</p> <p>On hearing from Petitioners and since there is no counter and there is no representation from Respondent, the matter is taken up on merits.</p> <p>Before the Trial Court, the Respondent has got the relief of decree. The Defendant Nos.1 and 2 are challenging the decree. While preferring the appeal, there occurred a delay. But the fact remains that the certified copy of judgment was obtained in time. Preferring the appeal is a statutory right. Condonation of delay is a procedural aspect subject to satisfaction of sufficient case. Appeal is to be preferred by counsel representing the parties. It is reported that record is mixed with other records is considered as a reasonable cause. Further, there is no opposition from the Respondent. Hence, I am inclined to consider the present petition.</p> <p>In the result, petition is allowed condoning the delay of 76 days in preferring the appeal against the</p>

		<p>impugned decree and judgment dt.27.12.2023 in O.S.No.361 of 2016 on the file of I Additional Civil Judge (Junior Division), Eluru subject to payment of costs of Rs.200/- on or before 29.11.2024.</p> <p>For complying conditions, call on 29.11.2024.</p>
<b>3.</b>	TROP 16 of 2024	<p>When the matter is taken up, both counsels present. Heard. Respondent reported no objection. Both counsels reported to pass orders.</p> <p>Notice affixed in notice board.</p> <p>Petitioners called absent.</p> <p>Respondent called absent.</p> <p>Orders pronounced (VSO) in open court</p> <p>In the result, the Petition is allowed withdrawing O.S.No.190 of 2018 from the file of II Additional District Judge's Court, Eluru and transferring to the court of Principal District Judge's Court, Eluru. No costs.</p> <p>The II Additional District Judge, Eluru is directed to transmit O.S.No.190 of 2018 after duly indexed to Principal District Court, Eluru, forthwith.</p>
<b>4.</b>	EA 35/2022 E.P.No. /2024	Process deposited. Issue Notice to J.Dr by RPAD/NSTEP, call on 23-12-2024
<b>5.</b>	I.A.No. 376/2024 ASSR 1641/2024	Petitioner and counsel present. Respondent called absent. No representation. Counter not filed. Hence treated as heard. For orders, call on 11-12-2024
<b>6.</b>	I.A.No. 508/2024 OSSR 9462/2022	Issue fresh notice to R4 through RPAD and court. For deposit of process for R4 process of R5. Call on 27-11-2024. I.A.No.1734/2024, 1735/2024, 1736/2024 are pending. I.A.No.1734,1735,1736/2024- Issue notice to proposed parties R5 on deposit of process. For deposit of process, call on 27-11-2024.
<b>7.</b>	I.A.No. 1466/2024 MVOP SR 5699/2024	Order pronounced in open court. (VSO) In the result, Petition is hereby allowed in part directing the Petitioner/claimant to deposit the curt fee within three months from the date of this order or prior to commencement of trial. Section is directed to check and number the Petition if otherwise in order. Accordingly, petition is disposed off.

<b>8.</b>	MVOP SR 6388/2024	Petitioner called absent. For deposit of process, call on 06-12-2024.
<b>9.</b>	MVOP SR 9818/2022	Both absent. For vakalat and counter, call on 05-12-2024
<b>10.</b>	I.A.No. 1640/2024 OS.NO.172/2015	Petitioner called absent. No representation. Hence petition is returned.
<b>11.</b>	I.A.No. 1641/2024 OS.NO.173/2015	Petitioner called absent. No representation. Hence petition is returned.
<b>12.</b>	I.A.No. 1642/2024 OS.NO.170/2015	Petitioner called absent. No representation. Hence petition is returned.
<b>13.</b>	I.A.No. 1615/2024 DOPSR 6491/2024	<p>This petition is filed by the Petitioners seeking to condone the delay of 101 days in representing the DOP S.R. application filed under mutual consent.</p> <p>The reason assigned is due to ill-helath of parents, they could not contact their counsel and resubmit the same which was returned on objections.</p> <p>In the circumstances stated in the Affidavit, in the interests of justice, I am inclined to consider the present petition.</p> <p>In the result, petition is allowed condoning the delay of 101 days in representing DOP S.R.No.3357 of 2024 subject to payment costs of Rs.200/- to DLSA on or before 29.11.2024.</p> <p>For complying conditions, call on 29.11.2024.</p>
<b>14.</b>	DOPSR 6264/2024	Heard Petitioner. For orders, call on 26-11-2024
<b>15.</b>	I.A.No. 1537/2024 MVOP 242/2015	<p>1st Petitioner is present. Identified by the counsel. The matter is challenged before the Hon'ble High Court and settled before Lok Adalat at Hon'ble High Court permitting to withdraw the share of Petitioner.</p> <p>Notice given to Respondent, did not oppose.</p> <p>Since permission is given and there is no objection from the Respondents, I am inclined to consider the present petition.</p>

		<p>In the result, petition is allowed and issue account payee cheque through CFMS for Rs.2,00,000/- (Rupees two lakhs only) in favour of Petitioner No.1 Thummu Sowdhamani and transfer to Account bearing No.722710031086578 of Chaitanya Godavari Grameena Bank, Eluru. P.S recorded.</p>
<b>16.</b>	I.A.No. 1538/2024 MVOP 242/2015	<p>2nd Petitioner is present. Identified by the counsel. The matter is challenged before the Hon'ble High Court and settled before Lok Adalat at Hon'ble High Court permitting to withdraw the share of Petitioner.</p> <p>Notice given to Respondent, did not oppose.</p> <p>Since permission is given and there is no objection from the Respondents, I am inclined to consider the present petition.</p> <p>In the result, petition is allowed and issue account payee cheque through CFMS for Rs.2,00,000/- (Rupees two lakhs only) in favour of Petitioner No.2 Thummu Krupavaram and transfer to Account bearing No.722710031086585 of Chaitanya Godavari Grameena Bank, Eluru. P.S recorded.</p>
<b>17.</b>	I.A.No. 1693/2024 ASSR 6577/2024	<p>Process deposited with delay. Delay is condoned. Issue notice to Respondent by RPAD/NSTEP, call on 17-12-2024</p>